

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MICHEAL D. BELL, SR.

Plaintiff,

v.

STATE OF MISSOURI, et al.

Defendants.

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No. 2:22-cv-00030-SEP

MEMORANDUM AND ORDER

This matter is before the Court on initial review of Plaintiff's handwritten Complaint. Plaintiff, an inmate at Northeast Correctional Center, brings this action for alleged violations of his Eighth Amendment rights. But Plaintiff did not file his Complaint on a Court-provided form. *See* E.D. Mo. L. R. 2.06(A). Plaintiff also neglected to either pay the \$402 filing fee or file a motion to proceed *in forma pauperis* along with a certified prison account statement. Plaintiff may file, within 21 days of this Order, an amended complaint along with either the entire filing fee or a motion to proceed *in forma pauperis* and a prison account statement.¹

DISCUSSION

In the "Caption" section of the complaint form, Plaintiff should write each defendant's name or names. *See* Fed. R. Civ. P. 10(a) ("The title of the complaint must name all the parties."). Plaintiff should specify whether he is suing each defendant in an official capacity, individual capacity, or both. Plaintiff must avoid naming anyone as a defendant unless that person is directly related to his claim.

In the "Statement of Claim" section, Plaintiff should begin by writing a defendant's name. In separate, numbered paragraphs under that name, Plaintiff should set forth a short and

¹The Court notes that Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous or malicious, or for failure to state a claim. Therefore, under 28 U.S.C. § 1915(g), the Court may not grant the motion to proceed *in forma pauperis* unless Plaintiff demonstrates that he "is under imminent danger of serious physical injury." *See, e.g., Bell v. Hargroves, et al.*, No. 1:11-CV-104-SNLJ (E.D. Mo. filed Jul. 8, 2011); *Bell v. Mississippi Cty. 33rd Jud. Cir., et al.*, No. 1:08-CV-136-LMB (E.D. Mo. filed Nov. 10, 2008); *Bell v. Mississippi Cty. Detention Ctr., et al.*, No. 1:08-CV-110-RWS (E.D. Mo. filed Aug. 4, 2008).

plain statement of the facts that support the claim or claims against that defendant. *See* Fed. R. Civ. P. 8(a). Each allegation must be simple, concise, and direct. *See id.* Plaintiff must state each claim in numbered paragraphs, and each paragraph should be “limited as far as practicable to a single set of circumstances.” *See* Fed. R. Civ. P. 10(b). If Plaintiff names a single defendant, he may set forth as many claims as he has against that defendant. *See* Fed. R. Civ. P. 18(a). Plaintiff may name more than a single defendant, but all claims must arise out of the same transaction or occurrence; simply put, the claims must be related to each other. *See* Fed. R. Civ. P. 20(a)(2).

It is important that Plaintiff allege facts explaining how each defendant was personally involved in or directly responsible for causing him harm. *See Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990). Plaintiff must explain the role of each defendant, so that each defendant will have notice of what that defendant is accused of doing or failing to do. *See Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (the essential function of a complaint “is to give the opposing party fair notice of the nature and basis or grounds for a claim”). The “Statement of Claim” requires more than “labels and conclusions or a formulaic recitation of the elements of a cause of action.” *See Neubauer v. FedEx Corp.*, 849 F.3d 400, 404 (8th Cir. 2017). Plaintiff must allege sufficient facts that, accepted as true, state a claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall provide Plaintiff a blank Prisoner Civil Rights Complaint form and Motion to Proceed *in Forma Pauperis* – Prisoner Cases form.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall file an amended complaint on the Court-provided form according to the Court’s instructions.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall either pay the full filing fee of \$402 or submit a motion to proceed *in forma pauperis* on the Court-provided form. If Plaintiff files a motion to proceed *in forma pauperis*, he

shall also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the amended complaint.

IT IS FURTHER ORDERED that Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action without prejudice and without further notice.

Dated this 24th day of June, 2022.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk", written in black ink.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE